

July 31, 2019

Elliott Brannon
MD/PhD Fellow
University of Michigan Medical School
Department of Learning Health Sciences
76908-11972034@requests.muckrock.com

Re: BRA 0632-19

Dear Mr. Brannon:

I am writing in response to your Freedom of Information Act request dated July 10, 2019, which was received on July 15, 2019.

You requested:

For all email accounts under the management of Michigan Medicine (med.umich.edu), I hereby request copies of the following information for all emails sent and received for a continuous 180-day period from the past two years:

1. From address
2. To address
3. bcc addresses
4. cc addresses
5. Time
6. Date

E-mail metadata is trivially exportable from the IT infrastructure of any modern e-mail archiving or data retention system – such as Microsoft Outlook 365, Google, Datacove, etc. I request that the information I seek be provided in electronic, machine-readable, and non-commercial format (such as CSV), and I would like to receive it on a DVD-ROM, Solid-State Drive, or USB Flash Drive.

Please note that I am not requesting the contents of each email.

This request is overly broad. Pursuant to Section 3 (1) of the Michigan Freedom of Information Act, this request does not describe a “public record sufficiently to enable the public body to find the public record . . .” and as submitted above is impossible to process. There are more than 20,000 Michigan Medicine faculty and staff members who are communicating by email daily with patients, families of patients, students and perhaps others whose email addresses may be exempt from disclosure. Although you are not requesting the contents of each email message, in order to appropriately separate exempt from nonexempt material, we anticipate that each message would

need to be reviewed by the faculty or staff member who is the recipient or sender of the message in order to identify the non-University senders and recipients, for what we anticipate may be tens of millions of email messages due to your specified time period of 180 days.

Please note that within 180 days from the date of this letter, you have the right to appeal the denial of information to the President of the University or seek judicial review in the Michigan court of claims to try to compel disclosure. If you elect to appeal and the President upholds the denial, you may still seek judicial review within the 180-day period.

An appeal to the President must be submitted in writing to: President's Office, c/o Liz Barry, The University of Michigan, 2080 Fleming Administration Building, 503 Thompson Street, Ann Arbor, MI 48109-1340 (or by email to: presoff@umich.edu). The statement must (1) identify the request and the final determination by the FOIA officer that is being appealed, (2) specifically state the word "appeal," and (3) identify the reason or reasons why the final determination should be reversed.

If you seek judicial review in the Michigan court of claims and prevail, you will be awarded reasonable attorney's fees, costs and disbursements incurred in maintaining the action. If you prevail in part, you may still be awarded complete or partial reimbursement for those expenses. In addition to actual and compensatory damages, you will be awarded punitive damages in the amount of \$1,000.00 if the court finds that the University was arbitrary and capricious in its denial.

A copy of Section 10 of the Michigan FOIA is available for your reference and review online at <http://foia.vpcomm.umich.edu/foia-right-to-appeal/>.

Sincerely,



Patricia J. Sellinger
Chief Freedom of Information Officer